IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 1757 of 2007

DATE OF DECISION: 5.2.2007

Anayat Khan ....Petitioner.

Versus

State of Punjab and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Ms. Sonia G. Singh, Advocate
for the petitioner.

J.S. Khehar, J. (oral)

The son of the petitioner died while in service on 27.1.1992. Family pension payable to the petitioner, on account of the service rendered by his son, is being released to the petitioner. The only grievance at the hands of the petitioner is that the petitioner is entitled to higher emoluments in terms of the family pension. This claim of the petitioner is based on policy instructions dated 14.9.1998, 18.8.1998 and 28.1.2003. In order to claim family pension at the higher rate, based on the aforesaid instructions, the petitioner is stated to have issued a legal notice dated 30.12.2006 (Annexure P-6). It is, however, pointed out that no decision has been taken on the aforestated legal notice by the respondents till date.

Learned counsel for the petitioner states that the petitioner will be satisfied if the instant writ petition is disposed of with a direction to respondent No.3 i.e. the Director General of Police, Punjab, requiring him to take a final decision on the legal notice dated 30.12.2006

(Annexure P-6).

Notice of motion.

On our asking, Mr. Ashok Aggarwal, Additional Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 4. Learned counsel for the respondents states that he has no objection to the disposal of the instant writ petition in terms of the prayer made by the learned counsel for the petitioner.

In view of the above, without going into the merits of the claim raised by the petitioner, we consider it just and appropriate to dispose of the instant writ petition by directing respondent No.3 i.e. the Director General of Police, Punjab, to take a final decision on the legal notice dated 30.12.2006 (Annexure P-6) by passing a well reasoned speaking order within two months from the date of receipt of a certified copy of this order. If the petitioner is found entitled to any monetary benefits, the same shall be calculated and released to him within a further period of one month. Needless to mention, that the petitioner shall be entitled to arrears on account of pension limited to a period of three years and two months preceding the date of filing of the writ petition. It is also clarified that the instant writ petition came to be filed on 3.2.2007.

Disposed of accordingly.

Order dasti, on payment of usual charges.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

February 05, 2007.
vig